

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

April 24-28, 2006

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
4-24	EX	78334625	Mark Thomas	Seeherman Bucher Holtzman*	2(d)	Refusal Affirmed (but only as to cited registration for services in Class 35)		"MARCHE NOIR" [jewelry]	2 cited registrations, owned by different entities: "BLACK MARKET" (in stylized letters) [in Class 25: clothing for women, namely, dresses, pants, jackets, lingerie, tops, skirts, and shorts] and "BLACK MARKET MINERALS" [in Class 35: retail jewelry and mineral store services]	Gilbert	Yes
4-25	CANC (SJ)	92031572	Lu Soro v. Citigroup, Inc.	Quinn Walters Rogers [Opinion "By the Board" (Goodman)]	whether cancellation petitioner has standing to file the petition to cancel	Petition to Cancel Denied (Respondent's motion for summary judgment granted)	"CITIGROUP" [financial services]	"CITIGROUP" [full range of insurance and financial services; banking services; credit card services; securities trading, consulting and underwriting services; investment services]			No
4-27	OPP (SJ)	91165327	Hawaiian Moon, Inc. v. Rodney Doo	Quinn Bucher Kuhlke [Opinion "By the Board" (Lykos)]	2(d)	Opposition Sustained (Opposer's motion for summary judgment granted)	"HAWAIIAN MOON" [clothing, namely, shirts, dresses and bottoms]	"HAWAIIAN MOON" [clothing and sportswear, namely, shirts and dresses]			No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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4-27	EX	78197989	Salton, Inc.	Quinn Walters Drost*	2(d)	Refusal Affirmed		"BEYOND" [electronic household kitchen appliances, namely, ovens, microwave ovens, convection ovens, toaster ovens, toasters, grills, electric slow cookers, roasters, coffee makers and bread makers; hand held electric hair dryers, commercial and stationary hair dryers; whirlpool baths for feet; heat and steam facial saunas; portable electric water heaters and aerators for washing and refreshing feet for domestic use]	"BEYOND" (and design) [retail store services in the field of linen products, housewares, and home furnishings]	Webster	No
4-28	EX	78285714	L.Vad Technology, Inc.	Bucher Grendel* Drost	2(e)(1)	Refusal Reversed		"PATCH BOOSTER" [permanent and temporary heart assist devices utilizing intra arterial air pressure to assist the circulating assist machinery and controls therefor; percutaneous access devices consisting of a disk implantable beneath the skin for use in transmitting fluid, air, or electricity through the collar and attachments therefor; and external drive units serving as pump actuators and controllers and attachments therefor]		Ellis	No

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4-28	EX	78257849	R-Vision, Inc.	Seeherman* Quinn Hohein	2(d)	Refusal Affirmed		"TRAIL-AIRE" [recreational vehicles, namely, travel trailers and motor homes]	"TRAILAIR" [vehicle hitches]	Kovalsky	No
4-28	EX	76575239	BPR Health International	Holtzman Zervas* Kuhlke	2(e)(1)	Refusal Affirmed		"SPRAY PHARMACY" [housemark for a full line of homeopathic preparations for human use <i>(homeopathic preparations for the treatment of a wide variety of conditions)</i>]		Griffin	No
4-28	OPP	91157392	China Healthways Institute, Inc. v. Xiaoming Wang	Walters Bucher* Walsh	2(d)	Opposition Dismissed	"CHI" (and design) [therapeutic massagers]	"CHI PLUS" (in stylized lettering) [electric massage apparatus]			No
4-28	EX	76213721	Ancor Holdings, LLC	Quinn Grendel Kuhlke*	whether applicant's specimens show service mark use of its mark	Refusal Reversed		"INFOMINDER" [reminder services in the area of upcoming dates and events; personal scheduling services provided via the Internet]		Pino	Yes

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